

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

James Edward Clark,	)	C/A No.: 1:12-877-GRA-SVH
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
Detention Officer Lieutenant Lapetit;	)	REPORT AND RECOMMENDATION
Detention Officer Sergeant Callahan;	)	
Detention Officer H. Smith; John Doe,	)	
Detention Officer	)	
	)	
Defendants.	)	
	)	

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Plaintiff, proceeding pro se, brought this action pursuant to 42 U.S.C. § 1983. Defendants filed a motion for summary judgment on November 1, 2012. [Entry #30]. As Plaintiff is proceeding pro se, the court entered an order on November 2, 2012, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of Defendants' motion and of the need for him to file an adequate response. [Entry #31]. Plaintiff was specifically advised that if he failed to respond adequately, Defendants' motion may be granted, thereby ending Plaintiff's claims against them in this case. Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff has failed to respond to the motion.

On December 11, 2012, the court ordered Plaintiff to advise whether he wished to continue with the case by December 28, 2012. [Entry #33]. Plaintiff has filed no response. As such, it appears to the court that he does not oppose Defendants' motion and wishes to abandon this action. Based on the foregoing, the undersigned recommends

this action be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.



January 3, 2013  
Columbia, South Carolina

Shiva V. Hodges  
United States Magistrate Judge

**The parties are directed to note the important information in the attached  
“Notice of Right to File Objections to Report and Recommendation.”**

**Notice of Right to File Objections to Report and Recommendation**

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk  
United States District Court  
901 Richland Street  
Columbia, South Carolina 29201

**Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation.** 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).